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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/524,227	02/09/2005	Hisao Tanaka	450100-05108	1561
7590 William S Frommer Frommer Lawrence & Haug 745 Fifth Avenue New York, NY 10151				
04/28/2009				
EXAMINER				
NGUYEN, LINH THI				
ART UNIT		PAPER NUMBER		
2627				
MAIL DATE		DELIVERY MODE		
04/28/2009		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/524,227

**Applicant(s)**

TANAKA ET AL.

**Examiner**

LINH T. NGUYEN

**Art Unit**

2627

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 06 February 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1, 4 and 5 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 4, and 5 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/CDC)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_
- Paper No(s)/Mail Date \_\_\_\_\_

## **DETAILED ACTION**

### ***Claim Objections***

Claims 1, 4 and 5 are objected to because of the following informalities: Claims 1, 4, and 5 has an acronym "**AV** independent" and needs to be spelled out. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 4, and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wilkinson (US Publication Number 20020164149) in view of Ando et al (US Publication number 20010020261).

In regards to claims 1, 4 and 5, Wilkinson discloses a recording control apparatus and method for controlling recording a file of first data (Paragraph [0049]; file header or header metadata) of each of a plurality of data series (packet set) onto a recording medium, said recording control apparatus comprising: means for generating second data (Fig. 1, file body) logically disposed at a start of said file (Fig. 1); means for generating third data (Fig. 1, can be unfilled, null filled or file footer) logically disposed at an end of said file (Figs. 1, 3B or 9), that makes data amounts of said first data (header metadata) and said second data (packets within the file body) integral multiples of a unit of reading and writing of said recording medium (Figs. 2 and 3; Paragraphs [0095]-

[0108]), by being added to said first data or said second data (Figs. 2 and 3, header metadata is added to the packet sets); means for generating a file unit metadata file (Figs. 3 or 7; the packet set or a content package is a unit) in which header metadata is disposed (Fig. 3, the metadata header is in the front of the packet set) and a frame unit (Fig. 6) metadata file in which system items of edit units are disposed en bloc (Fig. 6 shows the frame of a contents package which include a system item en a bloc (field 1)), wherein system items include metadata (Fig. 7, system includes 3 metadata bloc) of each edit unit (content package); a master file generating means (File Header which includes the Index Table) for generating a master file in an AV independent format (Paragraph [0057]), having the file unit metadata and the frame unit metadata (Fig. 3, "SET" are file unit metadata and "PACKET" are frame unit of metadata); and means for performing recording control to record said file onto said recording medium such that said first data is recorded so as to have data amount of an integral multiple of said unit of reading and writing of said recording medium by adding said third data onto said recording medium such that boundaries of said first data coincide with boundaries of said unit (Fig. 3, the second data is the packet set which can include the third data which is the "unfilled data space" so that the boundaries coincide with the unit (SET 1, SET 2, to SET n). However, Wilkinson does not disclose generating a master file where the file unit and the frame unit are brought together into one file separately from each other and integral multiple of a unit.

In the same field of endeavor, Ando discloses an apparatus generating a master file in an AV file format (Fig. 24 and Fig. 25 shows a "root directory" or master file)

where the file unit and the frame unit are brought together into one file separately from each other (Fig. 25, VOB files, Picture files and AOB files are brought into one file "root directory" but are separated in the own data file) and an integral multiple of a unit (Paragraph [0875]).

At the time of the invention it would have been obvious of person of ordinary skills to modify the apparatus to generate the first, second and third data on a recording medium of Wilkinson to include the recording medium with integral multiple of a unit as suggested Ando. The motivation for doing so would have been to control the excessive seeking and excessive reading for a better efficient system.

### ***Response to Arguments***

Applicant's arguments filed 2/6/09 have been fully considered but they are not persuasive. Applicant argues that Wilkinson or Ando do not disclose a system for generating a master file in an AV independent format, where the file unit metadata and the frame unit metadata are brought together into one file separately from each other. However, Wilkinson discloses the file unit metadata and the frame unit metadata in an AV independent format in Fig. 3 the metadata file unit ("SET") and the frame unit metadata ("PACKET") and then to the packet data structure in Fig. 3D. Wilkinson is silent in generating a master file for the video, audio, and picture files. Ando, discloses the master file (Fig. 25 as a root directory) with subdirectory of video, audio, picture object files. At the time of the invention it would have been obvious to an ordinary skill in the art to modify the system generating metadata files of Wilkinson to have a master

file brought together as suggested by Ando. The motivation would have been to access the files quicker. Therefore, claims 1, 4 and 5 are not patentable in view of Wilkinson and Ando.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **LINH T. NGUYEN** whose telephone number is (571)272-5513. The examiner can normally be reached on 10:00am-7:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wayne Young can be reached on 571-272-7582. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

LN  
April 23, 2009

/Wayne Young/  
Supervisory Patent Examiner, Art Unit 2627